

Section 1: [Article I, Section 1.1] Definitions, Purpose, and Governing Act

This Declaration of Covenants, Conditions, and Restrictions (or Declaration of Condominium) establishes the governance framework, maintenance obligations, and property covenants for all Lots and Units within the Association in the State of Florida.

Section 2: [Article II, Section 2.1] Membership and Voting Rights

Every record Owner of a fee or undivided fee interest in any Lot or Unit shall be a mandatory Member of the Association and shall be entitled to one (1) vote per Lot or Unit in all Association affairs.

Section 3: [Article XI, Section 11.2] Covenant Enforcement Fines and Lien Rights

At EL PRADO BY THE LAKE HOMEOWNERS ASSOCIATION, INC., the Board of Directors may unilaterally impose a fine of \$100 per day for any violation of the Governing Documents upon 5 days notice without prior written notice or hearing. Any unpaid fine of \$250 or more shall become a continuing lien against the Lot enforceable by foreclosure.

ISSUE #1

Section 4: [Rules and Regulations, Section 4] Trash Receptacles and Holiday Decorations

At EL PRADO BY THE LAKE HOMEOWNERS ASSOCIATION, INC., garbage and trash receptacles shall not be placed at the curb before 6:00 a.m. on the morning of collection, and any owner placing receptacles out the night before pickup shall be fined \$50.00 immediately. Holiday decorations left displayed past January 5th shall incur an automatic daily fine of \$25.00 without prior written notice.

Section 5: [Article VII, Section 7.4] Landscaping Standards and Backyard Storage

All Lots within EL PRADO BY THE LAKE HOMEOWNERS ASSOCIATION, INC. must be sodded with 100% St. Augustine sod only, and xeriscaping is prohibited. Furthermore, no storage shed, artificial turf, boat, or vegetable garden may be installed or stored in any rear yard or fenced backyard even if not visible from the street or adjacent parcels.

Section 6: [Article VI, Section 6.2] Architectural Review of Interior Modifications and Solar Collectors

No interior modification, interior remodel, or central air-conditioning replacement within EL PRADO BY THE LAKE HOMEOWNERS ASSOCIATION, INC. may be commenced even if not visible from the exterior without prior written approval of the Architectural Review Committee, which may deny any application without stating a reason. Solar collectors shall not be installed and exterior drying of clothes is forbidden on any Lot.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XI, Section 11.2 (p. 1): Fining clause allows board to levy fines without statutory 14-day notice or independent committee hearing.

Statutory / Legal Reference: Fla. Stat. § 718.303(3)(b)

Statutory Comparison: Under the Florida Condominium Act (Fla. Stat. § 718.303(3)(b)), no fine or suspension may be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members who are not board members, officers, employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

CURRENT WORDING IN DOCUMENT:

Covenant Enforcement Fines and Lien Rights - At EL PRADO BY THE LAKE HOMEOWNERS ASSOCIATION, INC., the Board of Directors may unilaterally impose a fine of \$100 per day for any violation of the Governing Documents upon 5 days notice without prior written notice or hearing. Any unpaid fine of \$250 or more shall become a continuing lien against the Lot enforceable by foreclosure.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), a fine or suspension may not be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members appointed by the board who are not officers, directors, or employees of the association, nor the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve the proposed fine or suspension by a majority vote, the proposed fine or suspension may not be imposed.